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MMPA Bulletin

The NMFS National Observer Program

The National Marine Fisheries Service (NMFS) currently deploys fishery observers on commercial fishing and processing vessels in 18 different fisheries throughout U.S. waters. The role of fishery observers is to record and supply managers with catch and bycatch data on commercial fishing activity. NMFS uses the information collected by observers to monitor compliance with Magnuson-Stevens Fishery Conservation and Management Act regulations, the Marine Mammal Protection Act (MMPA), the Endangered Species Act requirements, and catch quotas. Most observers are employed by consulting firms either under contract to NMFS or with the fishing vessels.

Observers are deployed in many different types of fisheries, such as: gillnet fisheries in Alaska, California, Oregon, New England and the Mid-Atlantic; dredge and trawl fisheries in the Atlantic; pelagic longline fisheries in the Atlantic and Pacific; and the Alaska groundfish fisheries. Fishing trips vary greatly in length, depending on the type of vessel and fishery. They may be as short as a day in the Mid-Atlantic gillnet fishery, or over a month for observers in pelagic longline observer programs. Most, but not all, observer programs monitor fishing activities. However, in the Gulf of Mexico, observers also monitor the removal of oil drilling platforms.

NMFS observer programs are administered by NMFS Regional Offices or Fisheries Science Centers, but the National Program is located at NMFS Headquarters in Silver Spring, MD (in the Office of Science and Technology). The National Program was established in March 1999 to facilitate communication between the regional observer programs and to address observer issues of national importance. The National Observer Program assists the regional programs by developing policies to improve the efficiency and quality of observer programs. The program is also working to integrate observer data with data from other sources, such as fishermen's logbooks or dealers' landings reports, and to make observer data more accessible to users.

Fisheries monitoring programs under the MMPA were greatly expanded with the 1988 amendments to the law. The objectives of MMPA fisheries observer programs are to obtain statistically reliable estimates of incidental mortality and serious injury of marine mammals in commercial fisheries, to determine the reliability of fishers' reports, and to identify changes in fishing methods or technology that may decrease incidental marine mammal mortality and serious injury. *(continued on page 2)*

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Also inside: Office of Protected Resources publication request form and change of mailing address form.

Office of Protected Resources, National Marine Fisheries Service

(continued from page 1) The samples supplied by observer programs are often the best means to get current data on the status of many fisheries and on the bycatch of protected species, such as marine mammals, sea turtles, and sea birds. Without such programs, many of the roles mandated to federal management and research agencies could not be adequately performed. In fact, one of the primary ways that NMFS determines the impacts that U.S. fisheries have on marine mammal stocks and how fisheries are placed in the appropriate MMPA Category (see page 8, "NMFS Publishes the Final List of Fisheries for 2000," for an explanation of NMFS fisheries categories) is through its fisheries observer programs. NMFS considers fishery observer programs to be the best source of information for the level of fishery-specific marine mammal incidental serious injury and mortality.

For more information about NMFS observer programs, contact Vicki Cornish at 301-713-2328, ext. 160. You can also visit the NMFS National Observer Program web site at: http://ww.st.nmfs.gov/st1/nop/index.html.

National Observer Program Advisory Team Meets

The National Observer Program Advisory Team (NOPAT) met February 29 - March 1, 2000, in Dallas, TX. NOPAT is composed of one representative from each NMFS Region or Center, NMFS Offices of Protected Resources, Sustainable Fisheries, Science and Technology, Recreational and Interjurisdictional Fisheries, Operations Management and Information, Law Enforcement, and NOAA General Counsel for Fisheries and General Counsel for Enforcement and Litigation. NOPAT was developed to ensure regional and line office participation in all National Observer Program (NOP) activities. Issues discussed at the most recent meeting included the status of the newly formed NOP, status of regional programs, Magnuson-Stevens Act reauthorization, budget planning, and planning and prioritizing activities for the NOP. In the next six months, the NOP will be addressing minimum standards for hiring observers, minimum training standards, insurance, coverage levels and sampling design, and data confidentiality. NOPAT plans to meet quarterly or semi-annually, as funding allows.

For additional information on the NOPAT regarding marine mammals, contact Emily Hanson at (301)713-2322, ext. 101; regarding sea turtles, contact Therese Conant at (301) 713-1401, ext. 126.

Fisheries Observer Workshop Announcement

The 2nd Biennial Fisheries Observer Program Workshop was held in St. John's, Newfoundland, Canada, June 26 - 29, 2000. In 1998, NMFS and the Canadian Department of Fisheries and Oceans (DFO) co-sponsored a workshop in Seattle, WA, designed to bring together some of the key organizations responsible for the design, management and delivery of at-sea fisheries observer programs in the United States and Canada. This workshop was again co-sponsored by DFO and NMFS and was expanded in scope to include greater representation from the fishing industry and observers.

The objectives of the workshop were to:
* Facilitate discussions on the role of observer programs as management, compliance and scientific programs;
* Address some of the key issues related to the operations of observer programs, from the perspective of governments, observer contractors, the fishing industry and observers; and
* Explore the current applications, limitations, and future uses of scientific data collection from observer programs.

Results of the workshop will be reported in future issues of the *MMPA Bulletin.*

For more information on the workshop, contact the U.S. steering committee members by e-mail or phone at: Vicki Cornish, NMFS National Observer Program, Vicki.Cornish@noaa.gov, (301) 713-2328, x160; Jim Nance, NMFS Galveston Lab, James.M.Nance@noaa.gov, (409) 766-3507; Teresa Turk, NMFS Northwest Fisheries Science Center, Teresa.Turk@noaa.gov, (206) 860-3460. Additional information about the workshop, can be found at: http://www.Seawatch2000.nf.ca/index.htm.

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Marine Mammal Health and Strandings

Gray Whale Strandings Continue on the West Coast

As first reported in the *MMPA Bulletin*, Issue No. 16, "Recent Gray Whale Mortalities on the West Coast," stranding rates for gray whales were higher than normal along their migratory path from Alaska to Baja California in Mexico in 1999. This caused concern for NMFS officials and other gray whale scientists, when the total number of strandings for 1999 exceeded 250 for the entire coast of North America; almost (155 for the United States alone). This abnormally high stranding rate has continued this year, with an estimated 250 gray whale strandings reported by May 1, 2000, from Mexico to Alaska.

Currently, gray whale strandings in California are greater than last year's numbers at this same time, and elevated numbers are being reported as far north as British Columbia. As of April 28, 2000, 30 dead gray whales had been documented in California (compared to 23 last year for the same timeframe). One gray whale death was reported in Oregon and six in Washington, while British Columbia reported one gray whales, and Alaska reported none. Documentation of stranding events in the Northwest and Alaska is not as intensive an effort as in California. As with 1999, Mexico is reporting unusually high numbers of gray whales, and preliminary data estimate that this year's strandings will exceed last year's total of 120 animals.

The cause of the recent, as well as last year's, strandings has not been determined. Initially, scientists thought that depleted food resources in the Bering Sea could be the cause. If this were the case, it would be expected that most of the whales stranding would be emaciated, with relatively thin blubber layers. However, in California this year, most of the whales stranding are subadults and adults with relatively thick blubber layers (compared to the mean blubber thickness layer recorded for stranded gray whales last year at 7.20 cm) with the highest reported being 18 cm. Due to inaccessibility and/or advanced state of decomposition, only two gray whales were thoroughly examined last year. Several more whales have been necropsied so far this year primarily through the efforts of the Marine Mammal Center (part of the volunteer stranding network).

The strandings were first designated as an "ususual mortality event" in July 1999 by the Working Group on Marine Mammal Unusual Mortality Events. More recently, the Working Group held its annual meeting on April 18-19, 2000 in Silver Spring, MD and formally requested that NMFS increase its efforts to further investigate this die-off. NMFS will continue to monitor and investigate this event and will report on the cause of the strandings when the data become available. Due to the ongoing nature of this event, the final report is expected to be published by September 2000.

For additional information about this stranding event, contact Dr. Janet Whaley at: (301) 713-2322, ext. 178 or Joe Cordaro at: (562) 980-4017.

Mass Stranding in the Bahamas

On March 15-16, 2000, 17 or 18* cetaceans stranded on Grand Bahama Island and Great Abaco Islands in the northern Bahamas in a single event. At least four species were represented. Some of the animals were pushed back to sea by locals, but six Cuvier's beaked whales *(Ziphius cavirostris)* and one dense beaked whale *(Mesoplodon densirostris)* died on shore. One spotted dolphin *(Stenella frontalis)* died en route to a rehabiliation center. Upon hearing of the event, NMFS sent a team of government and university scientists to the scene to collect the tissues needed to determine the causes of the strandings. The team worked cooperatively with the Bahamian marine mammal stranding network to respond to the event. Gross dissection and computerized tomography scans of the heads of several of the beaked whales revealed blood in and around their ears (the dolphin died of unrelated causes). This kind of trauma, possibly caused by an intense acoustic or pressure event, should have been fully detectable. It is believed the sound or pressure event caused animals to become disoriented whereupon they stranded, which caused their deaths.

The stranding event occurred at the same time as two U.S. Navy operations in the area. The first, termed Littoral Warfare Advanced Development, has been eliminated as a possible cause of the stranding because it occurred after the stranding, it used very quiet sound sources (sonobuoys), and was 35 miles east of the stranding site. The second was an antisubmarine exercise in which several ships using standard, hull-mounted sonars transited the area. A joint investigation by NMFS, Navy, and contract scientists is now focusing on these tactical sonars as a possible cause of the stranding.

These analyses may take several months to be completed. NMFS is working closely with the U.S. Navy to analyse acoustic, oceanographic, and environmental data to determine events in the area which may have had a role in the strandings. NMFS will also compile all of the initial field data and laboratory analyses from outside experts and other onsite and offsite contributors in an official preliminary report to be completed later this spring. A final report will be completed within the next year once all data is compiled and reviewed.

For additional information about this stranding event, contact Dr. Janet Whaley at: (301) 713-2322, ext. 170. For additional information about the NMFS Marine Acoustic Program, contact Dr. Roger Gentry at: (301) 713-2322, ext. 155.

* There are conflicting reports regarding the exact number of animals stranded. NMFS is still verifying these reports.

Update on the Mandatory Ship Reporting System

On July 1, 1999, the Mandatory Ship Reporting system to help protect northern right whales *(Eubalaena glacialis)* from ship collisions became effective off the East Coast of the United States. The system, endorsed by the International Maritime Organization (see *MMPA Bulletin*, Issue. No. 14, "Mandatory Ship Reporting System and Other Right Whale Recovery Efforts"), was designed and established by NMFS and the U.S. Coast Guard. Its aim is to increase awareness of mariners about the threat of ship strikes to northern right whales and aid in the recovery of the western North Atlantic right whale population, which consists of approximately 300 individuals and may be in decline.

Under the system, all commercial ships 300 tons and greater are required to report to a shore-based station when entering designated right whale critical habitats. Most reports use the INMARSAT (a satellite-linked marine communication system). Critical habitats are located off Massachusetts and the coasts of Florida and Georgia. The Massachusetts system operates year-round, while the latter operates from November 15 to April 15, which coincides with the whales' breeding season. As of the end of May 2000, over 2000 reports had been received by the system.

When reporting, all vessels are required to provide their name, call sign, course, speed, location, destination, and route. In return, ships' officers receive an automated message indicating that the ship is entering right whale critical habitat, that whales are likely to be in the area, and that ship strikes are a serious threat to whales and may cause damage to the ship. Advice on precautionary measures mariners can take to reduce the possibility of hitting right whales is also included. The return message provides the most recent information on right whale sighting locations, which have been obtained from aircraft surveys over the critical habitats.

To promote implementation of the Mandatory Ship Reporting system, NMFS has posted a web page, which gives information specifically on issues concerning the Ship Reporting system. This web page provides information on how and when the reporting is to be done, the status of right whales, links to other sites with information regarding the latest whale sightings, and efforts by other agencies and organizations to help the recovery of right whales and other endangered marine mammals.

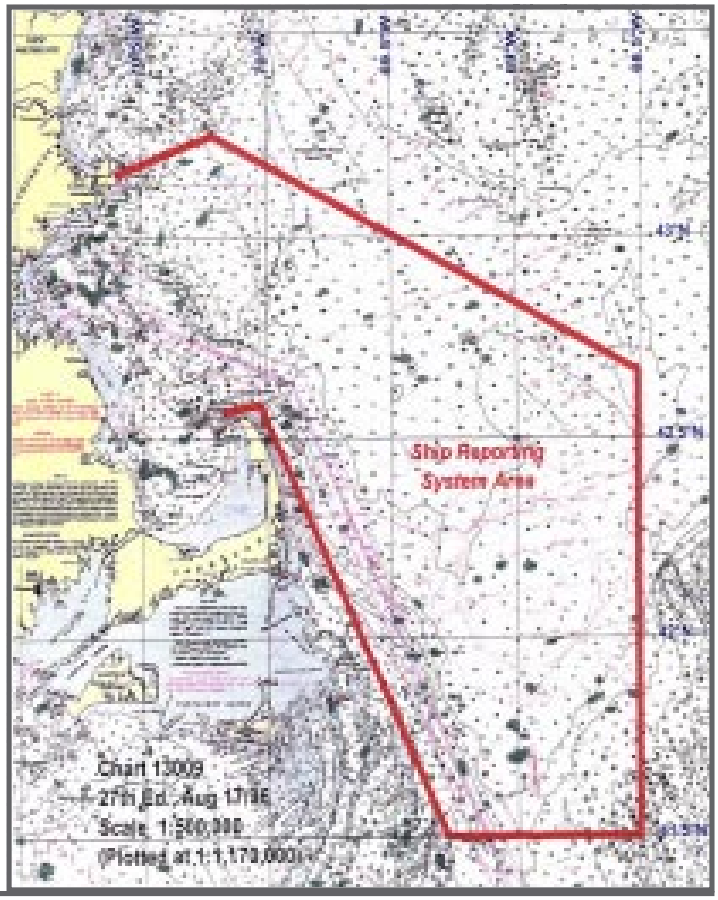
In addition, NMFS distributes a "Mandatory Ship Reporting System: A Guide For Mariners" packet, which provides concise information regarding the Mandatory Ship Reporting system for northern right whales. This packet of information can be obtained from the NMFS Office of Protected Resources or from Port Meteorological Officers in the East Coast ports. Other educational material such as placards, articles, brochures and a video on right whales are also available from the above sources. Information on the system and right whales can be found additionally in navigational publications such as the U.S. Coast Pilot, Sailing Directions, Notice to Mariners, Guide to Port Entry, and Guide to Tanker Ports.

To increase compliance to the recently implemented regulations of the Mandatory Ship Reporting system, NMFS distributes informational material to shipping companies whose vessels did not report their entrance to either one of the two critical habitats. Feedback from the companies has been encouraging, and NMFS is thankful for their cooperation to increase compliance. NMFS expects that the Mandatory Ship Reporting system, along with related activities, will encourage recovery of the northern right whale and decrease the human-related threats to the species' survival.

For further information on the Mandatory Ship Reporting system or to receive any of the above informational materials, please contact Caroline Good at (301) 713-2322, ext. 117 or Dr. Gregory Silber at (301) 713-2322, ext. 152.

To visit the Right Whale Mandatory Ship Reporting web site, go to:

http://www.nmfs.gov/prot_res/cetacean/msr/



Known Right Whale Dies From Entanglement in Fishing Gear

A well-known adult female northern right whale, named #2030, was first documented entangled in multiple types of fishing gear on May 10, 1999, and after several failed disentanglement attempts, was found dead on October 20, 1999. This whale's travels had been well-documented over a span of almost a decade. The whale was first sighted by staff of the Center for Coastal Studies (CCS) in June 1990, as a juvenile in Massachusetts Bay. Subsequent sightings included: 1) Browns Bank in 1991; 2) the Bay of Fundy in 1994; 3) the Great South Channel in 1995; 4) the Bay of Fundy in 1995; 5) several sightings off the southeastern United States in courtship groups in the winter and in Bay of Fundy and on the Grand Manan Banks in the summer of 1996; and 6) in the Bay of Fundy in 1997 (staff from the New England Aquarium made this last sighting before the May 1999 sighting with entangling gear).

At the time #2030 was first known to be entangled, the whale was about 45 feet long, weighed approximately 650 tons, and was initially sighted entangled in gear offshore of Massachusetts by a NMFS aerial survey team. Upon the first sighting, #2030 was seen too late in the day and too far from shore to mount an immediate rescue attempt. Unfortunately, #2030 was not sighted again until four months later in the Bay of Fundy when, on September 3, 1999, the whale was sighted by the CCS aerial survey team. The CCS staff were able to respond and applied a satellite and VHF buoy to the trailing gear that day, and disentanglement was attempted the following two days. These efforts included cutting away two of the three most severe gear wraps, however, the remaining wrap was too deeply imbedded to remove. As weather conditions worsened and approaching the animal became more difficult, the disentanglement team readjusted the satellite and VHF buoy to continue to monitor the whale's movements and to facilitate additional disentanglement attempts.

The disentanglement team made another attempt to free #2030 on September 12-13, 1999, in the Bay of Fundy. This time, the team deployed a new device, a tail stock harness, meant to slow the whale down and to allow for safer approach to the remaining gear. Unfortunately, the device failed, and the team resumed traditional approaches which were unsuccessful. Poor weather set in once again, and the satellite tag allowed the researchers to follow the whale's movements as it began moving south through two hurricanes. However, after approximately three weeks, the satellite tag began returning fixed location signals and was located from U.S. Coast Guard (USCG) helicopter without any sign of the whale. On October 7, 1999, the NMFS R/V Albatross retrieved the satellite buoy. Without the satellite and VHF tag attached to the animal, the animal would have had to be relocated before any additional disentanglement attempt could take place.

Unfortunately, less than two weeks later, on October 20, 1999, the Marine Mammal Stranding Center in Brigantine, NJ reported a dead, entangled right whale off the coast of NJ. The USCG assisted, and a boat-based sighting team confirmed that it was #2030 and towed the whale into the USCG station at Cape May. For the next three days, a necropsy team including representatives from the Mystic Aquarium, the Marine Mammal Stranding Center, NMFS, New England Aquarium, the Center for Coastal Studies, and others documented the gear on the whale and conducted a necropsy to better determine the cause of death. The official cause of death was determined to be due to massive traumatic injury induced by entanglement in fishing gear and starvation. The death of this particular whale is considered particularly significant as it was a mature female with no known calves in a critically endangered population of approximately 300 individuals.

For additional information on #2030 visit the NMFS Office of Protected Resources web site at: **www.nmfs.gov/prot_res.mammals/rightwhale/2030.html.** *For additional information about the NMFS disentanglement program, contact Dana Hartley in the Northeast Region at: (508) 495-2090 or Blair Mase in the Southeast Region at: (305) 361-4586.*

NMFS Publishes Official "Dolphin-Safe" Mark

The International Dolphin Conservation Program Act (IDCPA) of 1997 requires the Department of Commerce (NMFS) to study the effects of tuna purse seine fishing on dolphins and to conduct dolphin population assessment and stress studies. The legislation also directs NMFS to adopt a new dolphin-safe label definition unless it finds that the tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP) is having a significant adverse impact on depleted dolphin stocks. In the absence of a positive "finding", NMFS is directed to adopt internationally agreed standards.

As part of the IDCPA, NMFS is required to research the abundance of ETP dolphins and stress caused by encirclement of dolphins in the ETP. After reviewing the scientifically peer-reviewed study, NMFS concluded in April 1999, that there was inconclusive evidence to confirm that encircling dolphins to catch tuna causes a significant adverse impact on three depleted dolphin stocks in the ETP. This decision was termed the "initial finding". Because the research study did not show that the depleted dolphin stocks are being adversely affected, the IDCPA required NMFS to make the labeling standard change. NMFS is required to make a final finding by December 31, 2002.

On December 22, 1999, NMFS published the proposed rule (64 FR 71722) designating the official dolphin-safe mark or logo. The Dolphin Protection Consumer Information Act (DPCIA), as amended by the IDCPA, requires NMFS to develop an official mark that may be used to label tuna products as "dolphin-safe." The new logo may be used to identify tuna products from the ETP only if no dolphins were observed to be killed or seriously injured during a set in which tuna were caught. The DPCIA establishes "dolphin-safe" standards applicable to tuna or tuna products labeled with the official mark or an alternative mark, but the DPCIA does not mandate the use of the official mark nor does it prohibit the use of alternative marks. However, whenever a tuna product bears the official mark, it may not bear any other mark or label that refers to dolphins, porpoises, or marine mammals.

Before the initial finding, tuna products containing tuna harvested in the ETP by large purse seine vessels could be labeled "dolphin-safe" only if no intentional setting on dolphins occurred during the fishing trip and no mortality or serious injury was observed during the set. (see *MMPA Bulletin*, Issue No. 15, "Reducing Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery: Part Two".) However, a recent court ruling reversed NMFS' initial finding, prohibiting NMFS' use of the new "dolphin-safe" labeling standard. So for now, for tuna products containing tuna harvested in the ETP by large purse seine vessels of any nation to be labeled as "dolphin-safe", the tuna must be accompanied by a statement from the captain and the observer that no intentional dolphin encirclement occurred during the entire trip in which the tuna was caught, and no dolphin died or were seriously injured during the set. The official mark or label is supported by a tracking and verification program to track tuna caught by purse seine vessels in the eastern tropical Pacific Ocean from capture to final sale. The specific requirements of the new tuna tracking program are outlined in the final rule that was published on May 30, 2000 (65 FR 34408).

For additional information about the official dolphin-safe mark, contact Pat Donley at: (562) 980-4033.

NMFS Publishes the Interim Final Rule to Implement the IDCPA

On January 3, 2000, NMFS published interim final regulations to implement the International Dolphin Conservation Program Act (IDCPA) (64 FR 30). The IDCPA was enacted in 1997, with the support of a number of environmental organizations, including the Center for Marine Conservation and the World Wildlife Fund.

The IDCPA amended the MMPA to recognize and implement the International Dolphin Conservation Program (IDCP) and to address related issues. The IDCPA is the domestic endorsement of an international agreement limiting dolphin mortalities associated with tuna fishing to less than 5,000 dolphins per year, with additional restrictions to ensure that no individual stock is adversely impacted. Hundreds of thousands of dolphins died in the early years of this fishing method before fishermen began to employ techniques to reduce dolphin mortality (see *MMPA Bulletin*, Issue No. 11, "Reducing Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery"). By 1998, the domestic and foreign combined incidental dolphin mortality level was less than 2,000 individuals. With the IDCPA, Congress recognized that nations fishing for tuna in the eastern tropical Pacific Ocean (ETP) have achieved significant reductions in dolphin mortalities.

These regulations will allow ETP yellowfin tuna catches into the United States from IDCPA signatory nations under certain documented restrictive stipulations. Additionally, the regulations will allow U.S. fishing vessels to operate on the same basis as other signatory nations and streamline the permitting process for U.S. fishing vessels seeking permits for purse seine fishing in the ETP. General requirements are also proposed to ensure adequate tracking and verification of tuna imports from the ETP. The new tuna tracking program will track both dolphin-safe tuna and non-dolphin-safe tuna throughout tuna harvesting and processing.

For additional information about the implementation of the IDCPA, contact J. Allison Routt at: (980) 562-4020 or Nicole R. Le Boeuf at: (301) 713-2322, ext. 156.

Timeline of Events in Reducing Dolphin Mortality in the ETP

This timeline details the major activities in the history of the tuna/dolphin issue. For a more in-depth description of recent events, see the two-part article in *MMPA Bulletin* issues No. 11 and No. 15 entitled, *"Reducing Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery."*

1950s Fishers discovered the as yet unexplained association between schools of large yellowfin tuna and certain schools of dolphin. As a result, tuna fishers in the eastern tropical Pacific Ocean (ETP) began to use this association to locate yellowfin tuna.

1960s Purse seine technology replaces pole and line fishing as a predominate method of harvesting tuna. Fishers begin setting nets around dolphins to harvest tuna swimming below.

1970s The ETP fishery was dominated by U.S. vessels and annual dolphin mortality was reported at over 350,000. With enactment of the MMPA incidental mortality from fishing by the U.S. domestic fleet began to decline, participation in the fishery by foreign vessels began to increase, and by the mid 1980s foreign fleets dominated the fishery.

1972 Congress ratified the MMPA in part due to public concern over the high levels of dolphin mortality associated with the tuna fishery in the ETP.

1984 To address concerns regarding increased mortality by foreign vessels, Congress amended the MMPA to tighten the importation requirements for tunas harvested by foreign tuna vessels in the ETP.

1986 Estimates showed dolphin mortality from foreign fishing at over 110,000 for the year, while U.S. mortality was under 21,000.

1988 Congress again amended the MMPA, imposing additional requirements on both U.S. fishers and imports of foreign tuna.

1990 The total dolphin mortality from foreign fishing was over 47,000, while U.S.-associated dolphin mortality was around 5,000. Congress enacted the Dolphin Protection Consumer Information Act which established standards for tuna labeled as dolphin-safe. The Act did not actually require dolphin-safe labeling, but U.S. tuna canners voluntarily purchased tuna only from vessels where no dolphins were intentionally encircled during the entire fishing trip.

1990s Foreign participation in the ETP fishery continued to increase, and dolphin mortality was managed through the voluntary International Dolphin Conservation Program under the auspices of the Inter-American Tropical Tuna Commission (IATTC). The U.S. fleet's participation in the ETP tuna fishery declined to less than ten vessels due to other economic opportunities in the Western Pacific Ocean and MMPA prohibitions in the ETP.

1992 The total dolphin mortality from foreign fishing was approximately 15,100, while U.S.-associated dolphin mortality totaled 431. The International Dolphin Conservation Act (IDCA) was passed to encourage an international moratorium on the practice of harvesting tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals. The IDCA also established U.S. mortality limits and required that the number of dolphins killed decrease from one year to the next.

The United States and the governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, and Spain, whose vessels fish for tuna in the ETP, signed the La Jolla Agreement at the annual meeting of the IATTC. The Agreement placed voluntary limits on the maximum number of dolphin that could be incidentally killed annually in the fishery. The participants also agreed to lower the maximum each year over seven years, with a goal of eliminating mortality in the fishery.

1993 The U.S. fleet was successful in reducing dolphin mortality to an estimated 115.

1994 The IDCA prohibited U.S. citizens crewing on the vessels of other nations in the fishery from intentionally encircling marine mammals and made it unlawful for any person to sell tuna that wasn't dolphin-safe in the United States after June 1, 1994.

1995 The United States and other ETP tuna fishing nations met again and negotiated the Panama Declaration. The Panama Declaration established conservative annual dolphin mortality limits for each species or stock, and represented an important step toward reducing bycatch in commercial fisheries using sound ecosystem management.

Because the multi-nation yellowfin tuna fleet fishes in international waters, a binding international agreement is key to successfully protecting dolphins. The signing nations agreed to such an agreement for the continued protection of dolphin and the entire ETP ecosystem, providing the United States amended import requirements of the MMPA for those countries participating in the International Dolphin Conservation Program in the ETP.

The signatory nations expected that, if they reduced their dolphin mortality, the United States would amend its laws so that participation in the International Dolphin Conservation Program (IDCP) would satisfy comparability requirements of U.S. law and result in the lifting of embargoes on yellowfin tuna and yellowfin tuna products.

1997 In response to the Panama Declaration, Congress passed the International Dolphin Conservation Program Act (Act) to implement the IDCP. The Act primarily amends provisions in the MMPA dealing with yellowfin tuna in the ETP fishery. Key provisions of the Act became effective in March 1999.

1998 The countries participating in the IDCP successfully negotiated the international Agreement, which is a legally binding instrument for dolphin conservation and ecosystem management in the ETP.

1999 The international Agreement on the IDCP became effective on February 15, 1999, when the fourth country ratified. The United States, Panama, Ecuador, Mexico, El Salvador, Venezuela, and Nicaragua are the countries that have ratified, to date. On March 3, 1999, the Secretary of State provided the required certification to Congress that the international agreement on the IDCP was in force. Key provisions of the IDCPA became effective on this date. On June 14, 1999, the National Marine Fisheries Service published proposed regulations to implement the IDCPA. On December 22, 1999 published a proposed rule to designate an official Department of Commerce dolphin-safe label.

2000 On January 3, 2000, NMFS published an interim final rule to implement the IDCPA. On May 30, 2000, NMFS published the final rule to designate the official dolphin-safe label.

NMFS Publishes the 1999 Stock Assessment Reports

The MMPA requires NMFS and the U.S. Fish and Wildlife Service to prepare stock assessment reports for each stock of marine mammals that occurs in U.S. waters. These reports contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. The 1999 Stock Assessment Reports (SARs) were published in the Federal Register on March 9, 2000 (65 FR 12514). The draft 2000 SARs were published this spring (65 FR 31520). The final 2000 SARs should be available in the fall of 2000.

The 1999 SARs are available at the NMFS Office of Protected Resources web site at: **http://www.nmfs.gov/prot_res/mammals/sa_rep/sar.html.** *For additional information about the 1999 or 2000 SARs, contact Tom Eagle at: (301) 713-2322, ext. 105 or Emily Hanson at: (301) 713-2322, ext. 101.*

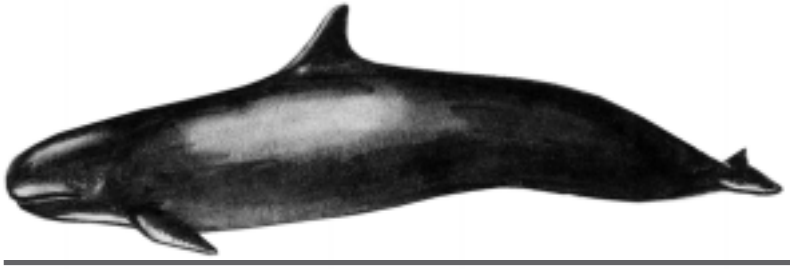
NMFS Publishes the Final List of Fisheries for 2000

Pursuant to section 118(c) of the MMPA, NMFS publishes an annual List of Fisheries (LOF). The LOF places commercial fisheries into one of three categories based upon the level of serious injury and mortality of marine mammals that occurs incidental to that fishery. There are three categories: Category I fisheries may have frequent takings of a marine mammals, Category II fisheries have occasional takings, and Category III fisheries have only a remote chance of taking marine mammals. This information is obtained through observer data, logbook data, stranding reports, and fishers' reports.

On April 26, 2000, the LOF for 2000 was published as a Notice of Continuing Effect of List of Fisheries (65 FR 24448) with no changes from the 1999 LOF. For the list of Category I and II fisheries in the 1999 LOF, see the *MMPA Bulletin* Issue No. 14, "The 1999 List of Fisheries".

NMFS is currently revising the LOF for 2001. The proposed LOF for 2001 will be published in the fall of 2000 and will be open for a 90-day public comment period. The final LOF for 2001 should be available in late fall 2000.

For additional information regarding the 2000 LOF, contact Patricia Lawson at: (301) 713-2322, ext. 129. For additional information about the 2001 LOF, contact Emily Hanson at: (301) 713-2322, ext. 101.



Right Whale Research in the North Atlantic

The severely depleted status of the western North Atlantic right whale population is an ongoing concern of the National Marine Fisheries Service (NMFS). Information is urgently needed to help assess why this right whale population is not recovering, despite decades of legal protection and management. Clearly, vessel traffic and fisheries interactions pose a significant threat to this small population (approximately 300 animals). Given the critical status of this population NMFS is concerned about <u>all</u> activities potentially affecting right whales, including scientific research. Permitted research activities (including close approach for biopsy, tagging, and photo-identification studies) may lead to numerous "takes" of a given individual, which may affect individual health. The NMFS Office of Protected Resources supports research designed to meet particular objectives or tasks outlined in the Right Whale Recovery Plan while having as little impact on individual whales as possible. Such research necessitates information exchange and cooperation among researchers to insure minimal impact. In an effort to assess and minimize the effects of scientific research, the Office of Protected Resources is beginning a review of current activities authorized under NMFS' scientific research permits, including a comprehensive list of collaborating researchers. This review should be completed by October 2000, at which time NMFS will share results with the right whale research community and evaluate if and how the Office of Protected Resources' Permits Division should develop more stringent guidelines for NMFS review of right whale permit applications.

For additional information about the right whale research review, contact Simona Roberts at: (301) 713-2289, ext. 106 or Ruth Johnson at: (301) 713-2289, ext. 113.

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If you would like to receive any of the publications listed below, please mark the appropriate circles, remove this page from the rest of the Bulletin and mail it to the Office of Protected Resources, Attn. MMPA Bulletin. Allow 4-6 weeks for delivery. Due to overwhelming requests for materials, please limit your order to no more than five items. **Remember, many of these documents can be easily accessed at the NMFS Office of Protected Resources web site in PDF at: www.nmfs.gov/prot_res/publicat.html.**

Marine Mammal Protection Act of 1972 Annual Report to Congress

- ○ January 1, 1998 - December 31, 1998 **NEW!!!**
- ○ January 1, 1996 - December 31, 1996
- ○ January 1, 1994 - December 31, 1994
- ○ January 1, 1992 - December 31, 1993

Office of Protected Resources Technical Memorandum Series:

- ○ Differentiating Serious and Non-Serious Injury of Marine Mammals Taken Incidental to Commercial Fishing Operations: Report of the Serious Injury Workshop 1-2 April 1997, Silver Spring, Maryland. NMFS-OPR-13, 48 p. (January 1998)
- ○ Report of the Workshop to Assess Research and Other Needs and Opportunities Related to Humpback Whale Management in the Hawaiian Islands. NMFS-OPR-11, 134 p. (February 1997)
- ○ Acoustic Deterrence of Harmful Marine Mammal-Fishery Interactions: Proceedings of a Workshop held in Seattle, Washington, 20-22 March 1996. NMFS-OPR-10, 70 p. (December 1996)
- ○ Rescue, Rehabilitation, and Release of Marine Mammals: An Analysis of Current Views and Practices. NMFS-OPR-8, 65 p. (July 1996)
- ○ NMFS Observer Programs: Minutes and Recommendations of a Workshop Held in Galveston, TX Nov. 10-11, 1993. NMFS-OPR-1, 96 p. (July 1994)

Recovery Plans and Conservation Plans:

- ○ Recovery Plan for the Blue Whale, *Balaenoptera musculus*. (July 1998)
- ○ Conservation Plan for the Northern Fur Seal, *Callorhinus ursinus*. (June 1993)
- ○ Recovery Plan for the Steller Sea Lion, *Eumetopias jubatus*. (December 1992)
- ○ Final Recovery Plan for the Northern Right Whale, *Eubalaena glacialis*. (December 1991)

(fold here)

Reports and Other Office Publications:

- ○ The National Marine Fisheries Service Take Reduction Team Negotiation Process Evaluation. (July 1999)
- ○ Proceedings of the First Biennial Canada/U.S. Observer Program Workshop. NMFS-AFSC-101, 113 p. (May 1999)
- ○ Report to Congress on Impacts of California Sea Lions and Pacific Harbor Seals on Salmonids and West Coast Ecosystems. (February 1999).
- ○ Report to Congress on Results of Feeding Wild Dolphins: 1989-1994. (July 1994)
- ○ Quantitative Behavioral Study of Bottlenose Dolphins in Swim-With-The Dolphin Programs in the United States. (April 1994)
- ○ Marine Mammal Strandings in the United States. Proceedings of the Second Marine Mammal Stranding Workshop, Miami, FL. December 3-5, 1987. U.S. Dep. Commer., NOAA. (January 1991)

MMPA Bulletin Back Issues

- ○ 4th Quarter 1999 **NEW!!!**
- ○ 4th Quarter 1998
- ○ September/October, 1996
- ○ June/July, 1995
- ○ September, 1994
- ○ 3rd Quarter 1999
- ○ 3rd Quarter 1998
- ○ May/June, 1996
- ○ April/May, 1995
- ○ 2nd Quarter 1999
- ○ 2nd Quarter 1998
- ○ January/February, 1996
- ○ February, 1995
- ○ 1st Quarter 1999
- ○ 1st Quarter 1998
- ○ September/October, 1995
- ○ November, 1994

National Marine Fisheries Service Posters

- ○ Marine Mammals of the Western Hemisphere *(24"x36")*
- ○ Sea Turtles of the World *(24"x36")*
- ○ MMAP Reporting Requirement Reminder - East Coast *(18"x24")* **
- ○ MMAP Reporting Requirement Reminder - West Coast *(18"x24")* **

National Marine Fisheries Service Brochures

- ○ Protect Dolphins: Admire Them From a Distance
- ○ NOAA Fisheries: Conserving Our Nation's Living Oceans

** These posters are available with or without grommets. Please specify.

Special Insert

Hawaii Whale Research Operation Signs Settlement Agreement With NOAA

The Pacific Whale Foundation (PWF) has signed a settlement agreement with the National Oceanic and Atmospheric Administration (NOAA) for civil violations under the MMPA and the Endangered Species Act (ESA).

In March 1999, NOAA issued a Notice of Violation with seven alleged charges against PWF for violations of their MMPA/ESA scientific research permit which occurred between January and May of 1998. The case resulted from an investigation into PWF's research activities during the 1998 whale research season.

Under the terms of the settlement agreement: (1) PWF has admitted to two charges and will pay a $5,000 fine; (2) NOAA will dismiss one charge of unauthorized approaches of humpback whales; and (3) NOAA will issue a single written warning for four alleged charges.

For additional information about this case, contact Paul Ortiz, NOAA Office of General Counsel for Enforcement and Litigation, at: (562) 980-4069.

Report on the Status of Endangered Large Whales Available

On November 10, 1978, the U.S. Congress passed Public Law (P. L.) 95-632, which amended the Endangered Species Act (ESA) and required the Secretaries of Commerce and Interior to review the status and degree of endangerment of all species listed under the ESA at least once every five years. These five-year status reports were to include a determination/recommendation of whether a listed species should be: 1) removed from the list; 2) reclassified from endangered to threatened; or 3) reclassified from threatened to endangered. Pursuant to this, NMFS recently published, "The Great Whales: History and Status of Six Species Listed as Endangered Under the U.S. Endangered Species Act of 1973," as a Special Issue of the Marine Fisheries Review in 1999 (Vol. 61, No. 1). This document officially updates the status of the endangered humpback, blue, fin, sei, and sperm whales and provides a comprehensive update on these currently listed large whale species by stock and includes determinations and recommendations on their ESA classification.

For additional information on the large whale status review, contact Simona Roberts at: simona.roberts@noaa.gov. To obtain copies of this report, contact Simona at: (301) 713-2289, ext. 106 or Douglas DeMaster at: (206) 526-4047.

Atlantic Large Whale Take Reduction Team Meets

The Atlantic Large Whale Take Reduction Team (ALWTRT) was formed in August 1996 to develop a plan for reducing the incidental take of right whales, humpback whales, fin whales, and minke whales in the South Atlantic shark gillnet fishery, Gulf of Maine and Mid-Atlantic lobster trap/pot fishery, Mid-Atlantic gillnet fishery, and the Gulf of Maine sink gillnet fishery.

Under the MMPA, NMFS is required to develop a take reduction plan (TRP) to reduce human-caused mortalities to a level below a biologically defined "potential biological removal" (PBR) level. The ALWTRT met in February 2000 with representation from the fishing industry, state agencies, and conservation groups to see how the take reduction plan was working and to determine whether additional measures were needed to address fishery impacts to right whales. There have been a number of entanglements with one fatality (see page 5), and team members concluded that revisions to the plan were necessary. The majority of the meeting pertained to gear modification research, and there was not enough time to go through the entire planned agenda.

A follow-up meeting was held on April 26-28, 2000 to continue discussions that were not completed at the previous TRT meeting. One of the items discussed at this meeting was time/area closures. Another topic was whether to close the "sliver area" to commercial fishing, a portion of the Great South Channel right whale critical habitat. NMFS is currently developing a revised take reduction plan based on these recommendations.

For additional information on the ALWTRT meeting, contact Patricia Lawson at: (301) 713-2322, ext. 129.

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From the Editors...

Since the enactment of the MMPA, NMFS scientists have made a marked contribution to the field of marine mammal science, and NMFS' significant role in the recently held the Society for Marine Mammalogy's 13th Biennial Conference on the Biology of Marine Mammals was no exception. Over 1400 participants from around the world gathered together in Hawaii to share information and research findings on marine mammal species.

NMFS employees were involved in all aspects of the conference from coordinating and participating in pre-conference workshops and plenary sessions to being heavily involved in the main conference proceedings, which consisted of several symposia, including: 1) The Cetacean Brain; 2) Vocal Communication in Delphinids; 3) Physiological Ecology of Fat in Marine Mammals; and 4) Why Phylogenics Matter: Their Use in Marine Mammal Research.

There were numerous oral and poster presentation sessions with topics such as: Conservation and Management, Anatomy, Medicine, Acoustics and Communication, Reproductive Ecology, Strandings, and Foraging and Feeding. Six oral presentation sessions were chaired by NMFS personnel, and NMFS scientists and managers presented or co-authored numerous presentations (oral, poster, workshop, and/or symposia) on a variety of topics.

In addition, Gene Nitta from the NMFS Office of Protected Resources served as Conference Committee Chair, and the NMFS Pacific Island Area Office in Honolulu co-hosted the conference on-site with the University of Hawaii - Institute of Marine Biology, assisted by the NOAA Hawaiian Islands Humpback Whale National Marine Sanctuary.

NMFS staff also contribute to year-round activities of the Society for Marine Mammalogy by writing scientific publications, serving on the Board of Directors, and participating in the organizing of the Biennial Conferences and furthering the advancement of marine mammal science. The current Society's President is Dr. Douglas DeMaster from the NMFS National Marine Mammal Laboratory in Seattle, WA.

This significant level of NMFS involvement in the Society, as well as the contribution NMFS employees make to other professional and scientific organizations, underscores the importance of science in the daily activities at NMFS.

For more information about the Society for Marine Mammalogy, past and future biennial conferences, or to request copies of the conference program or the abstract book, visit the Society for Marine Mammalogy's web site at: **www.pegasus.cc.ucf.edu/~smm/.**